

### **REMARKS**

Claims 1, 3-12, 14-27 and 30-58 are currently pending in the subject application and are presently under consideration. Claims 1, 30-33, 35, 38, 38, 50, 57 and 58 have been amended as shown on pp. 2-10 of the Reply. In addition, claims 27, 54 and 55 have been cancelled herein. Applicants' representative thanks the Examiner for the courtesies extended during the telephone interview on March 17, 2008. The independent claims were discussed and, in particular, what limitations from claim 58 can be incorporated into the other independent claims. No agreement was reached. Applicants' representative notes with appreciation that claim 58 is deemed allowable. Claims 1 and 57 have been amended to include limitations recited in claim 58. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 1 and 58 Under 35 U.S.C §112**

Claims 1 and 58 stand rejected under 35 U.S.C §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 1 and 58 have been amended herein. In light of the amendments, it is respectfully requested that this rejection be withdrawn.

#### **II. Objection of Claim 58**

Claim 58 is objected to because of informalities. Claim 58 has been amended to correct informalities and it is respectfully requested that this objection be withdrawn.

#### **III. Rejection of Claim 27 Under 35 U.S.C. §102(e)**

Claim 27 stands rejected under 35 U.S.C. §102(e) as being anticipated by Heinzel *et al.* (U.S. 2004/0225718). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Claim 27 has been cancelled and, accordingly, this rejection is moot.

#### **IV. Rejection of Claim 57 Under 35 U.S.C. §102(e)**

Claim 57 stands rejected under 35 U.S.C. §102(e) as being anticipated by Emens *et al.* (U.S. 6,591,279) It is respectfully requested that this rejection be withdrawn for at least the

following reasons. Emens *et al.* does not disclose, teach or suggest each and every limitation of claim 57.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “***each and every element as set forth in the claim is found***, either expressly or inherently described, ***in a single prior art reference.***” In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting Verdegaal Bros., Inc. v. Union Oil Co., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added). “***The identical invention must be shown in as complete detail as is contained in the ... claim.***” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The claimed subject matter relates to delivering messages in a communication system based upon a user's current situation and bounded deferral policies. (See Summary). In particular, independent claim 57 recites a system that facilitates communications, comprising *means for obtaining a notification message that contains information of value to a user, means for sensing contextual situation of the user, means for processing a value of notifying the user of the message and a cost of notifying the user of the message based upon the sensed contextual situation, means for determining an expected utility of notifying the user of the message based upon the value and cost, means for employing the expected utility, the value and the cost in a decision model, means for inferring an attentional state of the user based the decision model, means for assigning an urgency to the notification message based upon considerations of message sender, message type or message content, means for determining a bounded deferral period based at least in part on the assigned urgency, the bounded deferral period relates to a maximum time that conveyance of the notification message can be deferred, the deferral period is bounded between a time when the notification message is obtained and the maximum time and means for conveying the notification message to the user in accordance with the bounded deferral period and the inferred attentional state such that the message is conveyed within the bounded deferral period.* Emens *et al.* does not disclose, teach or suggest such aspects.

Emens *et al.* relates to providing computer-based notifications of real world events over a network. Sensors can monitor an environment for a particular real world event (e.g., a crying baby) and send a notification to user upon determining that the event occurred (e.g., a baby starts crying). However, Emens *et al.* nowhere discloses a bounded deferral period that relates to a

maximum time that a notification message can be deferred wherein the time period is bounded between the time the notification is received and the maximum time as recited in claim 57.

Emens *et al.* provides a notification to a user once the event monitored for by the sensors occur. The notification is not deferred and, moreover, the notification is not bounded as it is possible that the message is never sent (*e.g.*, the event does not occur).

In view of at least the foregoing, it is respectfully submitted that Emens *et al.* does not disclose, teach or suggest each and every limitation recited by claim 57. Accordingly, this rejection should be withdrawn and the claims allowed.

**V. Rejection of Claims 1, 3-4, 7, 8, 15, 17-19, 21-46 and 48-56 Under 35 U.S.C. §103(a)**

Claims 1, 3-4, 7, 8, 15, 17-19, 21-46 and 48-56 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Heinzel *et al.* in view of Roberts *et al.* (U.S. 7,073,129). It is respectfully requested that this rejection be withdrawn for at least the following reasons. The cited references do not teach or suggest each and every limitation of the subject claims.

In the subject Office Action, it is stated that claim 58 is deemed allowable. Applicants' representative has amended claim 1 to include limitations of claim 58 that are believed to be allowable in view of the cited references. Accordingly, it is respectfully submitted that this rejection should be withdrawn and the claims allowed.

**VI. Rejection of Claims 5 and 6 Under 35 U.S.C. §103(a)**

Claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Heinzel *et al.* in view of Maruyama *et al.* (U.S. 2003/004635). It is respectfully requested that this rejection be withdrawn for at least the following reason. Claims 5 and 6 depend from independent claim 1, and Maruyama *et al.* does not rectify the deficiencies presented by Heinzel *et al.* with respect to independent claim 1 as discussed above. Accordingly, withdrawal of this rejection is respectfully requested.

**VII. Rejection of Claims 9, 10, 14, 16, 20 and 47 Under 35 U.S.C. §103(a)**

Claims 9, 10, 14, 16, 20 and 47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Heinzl *et al.* in view of Emens *et al.* (U.S. 6,591,279). Withdrawal of this rejection is requested for at least the following reasons. The cited references do not teach or suggest each and every limitation of the subject claims. Claims 9, 10, 14, 16 20 depend from independent claim 1 and claim 47 depends from independent claims 27. Emens *et al.* fails to cure the aforementioned deficiencies of Heinzl *et al.* with respect to independent claims 1 and 27. Accordingly, it is respectfully requested that this rejection be withdrawn.

**VIII. Rejection of Claims 11 and 12 Under 35 U.S.C. §103(a)**

Claims 11 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Heinzl in view of Gusler *et al.* (US 2005/0050143). It is respectfully requested that this rejection be withdrawn for at least the following reason. Claims 11 and 12 depend from independent claim 1, and Gusler *et al.* does not rectify the deficiencies presented by Heinzl *et al.* with respect to independent claim 1 as discussed above. Accordingly, withdrawal of this rejection is respectfully requested.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP453USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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